

has not risen proportionately, causing buyers to show little interest in making commitments at present New York levels.

Arrivals from abroad are estimated to be about 25% greater than for July.

Legislation, Executive Orders, and Court Decisions

BY EWALD E. SELPH
Ross, Selp, Carrascoso & Janda

IN the case of Sunripe Coconut Products Company, G. R. No. L-2009, the Supreme Court has decided that piece workers under the *pakiao* system are not independent contractors and are employees covered by the law governing the Court of Industrial Relations.

The Court said:

"Petitioner also insists that the 'parers' and 'shellers' are piece-workers under the 'pakiao' system. In answer, suffice it to observe that Commonwealth Act 103, as amended, expressly provides that 'a minimum wage or share shall be determined and fixed for laborers working by the hours, day or month, or by piece-work, and for tenants sharing in the crop or paid by measurement unit. x x x' (Section 5.) The organic law of the Court of Industrial Relations, therefore, even orders that laborers may be paid by piece-work; and the fact that the 'parers' and 'shellers' are paid a fixed amount for a fixed number of nuts pared or shelled, does not certainly take them out of the purview of Commonwealth Act. 103.

"It is unnecessary to discuss at length the other facts pointed out by the petitioner in support of the proposition that said 'parers' and 'shellers' are independent contractors,

because a ruling on the matter would necessarily involve a factual inquiry which we are not authorized to make. Even so, we would undertake to advance the general remark that in cases of this kind, wherein laborers are usually compelled to work under conditions and terms dictated by the employer, a reasonably wide latitude of action and judgment should be given to the Court of Industrial Relations with a view to settling industrial disputes conformably to the intents and purposes of its organic law."

In another labor case (Philippine Can Company, G. R. No. L-2028) the Supreme Court affirmed a decision of the Court of Industrial Relations authorizing the dismissal of a number of laborers no longer needed by reason of the installation of labor saving machinery.

The Court said:

"It appearing that there has been fair hearing and that there is ample evidence to support the conclusions of fact of the lower court, we would have no ground for interfering with those conclusions. And these make it clear that there was real justification for reducing the number of workers in respondent company's factory, such a measure having been made necessary by the introduction of machinery in the manufacture of its products, and that the company cannot be charged with discrimination in recommending the dismissal of the fifteen laborers named in the above list since their selection was made by a committee composed of both officers and employees who took no account of the laborers' affiliation to the unions and only considered their proven record.

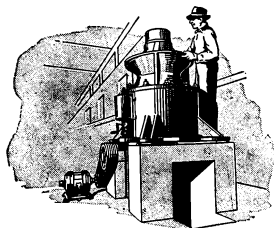
"There can be no question as to the right of the manufacture to use new labor-saving devices with a view to effecting more economy and efficiency in its method of production. As the lower court observes in its order,

"No se puede detener el curso de los tiempos. Si se quiere sobrevivir y prosperar, la unica alternativa es adaptarse a las exigencias del presente mundo moderno. No se puede cerrar los ojos a la realidad. No se puede depender de metodos antiguos, hay que recurrir a metodos mas eficientes y avanzados. La produccion no solo debe ser de elevada calidad



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sino ilimitada y su costa al alcance de todos. Debe seguirse el ejemplo de otros países."

"The right to reduce personnel should, of course, not be abused. It should not be made a pretext for easing out laborers on account of their union activities. But neither should it be denied when it is shown that they are not discharging their duties in a manner consistent with good discipline and the efficient operation of an industrial enterprise. We, therefore, approve of the following pronouncement of the court below:

"La compañía tiene derecho de despedir a sus empleados u obreros. Si bien este derecho está sujeto a la regulación del Estado, en su normal ejercicio no se inmiscuye la ley. El patrono paga el jornal de sus obreros por su trabajo, y es lógico y justo que el mismo tenga derecho a esperar de los mismos lealtad y fiel cumplimiento de sus obligaciones. No es el propósito de la ley obligar al principal a retener en su servicio a un obrero cuando no recibe de este trabajo adecuado, diligencia (diligencia) y buen comportamiento, o cuando su continuación en el empleo es claramente opuesta a los intereses de su patrono, porque la ley al proteger los derechos del obrero no autoriza la opresión ni la destrucción del principal."

* Translations:

"One cannot stop the march of time. If one must survive and prosper, the only alternative is to adapt oneself to the exigencies of the modern world. You cannot close your eyes to reality. You cannot depend on old methods, you have to resort to more efficient and advanced methods. The production should not only be of high quality but unlimited and its cost within the reach of everybody. The examples of other countries should be followed."

"The Company has the right to dismiss its employees or laborers. While this right is subject to the laws of the State, the law however does not interfere in its normal exercise. The employer who pays the wages of his laborers in return for their work has in logic and justice the right to expect from them loyalty and faithful observance of their duties. It is not the purpose of the law to force the employer to retain in his service a laborer who does not render adequate and diligent service and who does not comport himself decorously, or when his continued employment in the service is clearly detrimental to the interests of his employer, because the law while it protects the rights of the laborer, will not countenance oppression nor destruction of the principal."

REPUBLIC OF THE PHILIPPINES

SUPREME COURT

ANGELITA V. VILLANUEVA AND PABLO C. SANIDAD, Petitioners,

G. R. No. L-2035

Present:

MORAN, C.J.
OZAETA,
PARAS,
FERIA,
BENZON,
PADILLA,
TUASON,
MONTEMAYOR,
REYES, JJ.

— versus —

THE DIRECTOR OF POSTS,
Respondent.

Promulgated:

AUGUST 23, 1949

DECISION

OZAETA, J.:

Before the war the petitioner Angelita V. Villanueva maintained a savings deposit with the Philippine Postal Savings Bank, which as of October 22, 1941, had a balance in her favor of P4.60. She made no further deposit in said account until the month of October, 1944. Between the 10th and the 31st of said month she made four deposits totaling P5.940.

The Director of Posts refused to recognize the validity of that deposit made during the occupation in Japanese Military notes on the ground that it had been declared invalid by Executive Order No. 49, series of 1945.

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The petitioner, assisted by her husband, seeks to compel the Director of Posts to recognize the validity of said deposit, contending that Executive Order No. 49 is unconstitutional in that it deprives her of her property without due process of law.

That question has been resolved by this court adversely to the petitioner in *Hilado vs. De La Costa* and the *Philippine National Bank, G. R. No. L-150*, April 30, 1949, wherein it was held:

"We are of the considered opinion, and therefore hold, that the provisions of Executive Order No. 49, do not deprive the plaintiff of his property without due process of law or impair the obligation of contract entered into between him and defendant bank; because they are but the logical corollary and application to bank deposits in Japanese war notes of Executive Order No. 25, in so far as it declares that said notes are not legal tender in territories of the Philippines liberated from Japanese occupation, the validity of which is not, and cannot seriously be, questioned.

"x x x x

"It may safely be laid down as a rule that when a deposit is made with a bank or a person of notes made legal tender or currency by the military occupant of an enemy territory, and the occupation does not ripen into a conquest by the occupant because the territory is liberated and reoccupied by its legitimate government, the deposit must be considered as with specification of currency, that is, as a deposit of money made legal tender or currency by the occupant, without necessity of stating it expressly unless there is evidence to the contrary, because it is the only kind of money or legal currency in circulation after the genuine money of the territory has disappeared from circulation, as in the present case. It should not be understood to be a general deposit without specification of currency, that is a deposit of lawful money of the legitimate government, and it will have the same effect as if it were made with money that was legal tender or currency of a foreign country having no monetary treaty or agreement with the legitimate government; and therefore if such currency becomes valueless, the depositor shall have to suffer the loss, because the currency so deposited is exactly of the same condition and validity as that kept in the pockets, or safe of the depositor."

The petition is denied, without any finding as to costs.

(SGD.) ROMAN OZAETA

WE CONCUR:

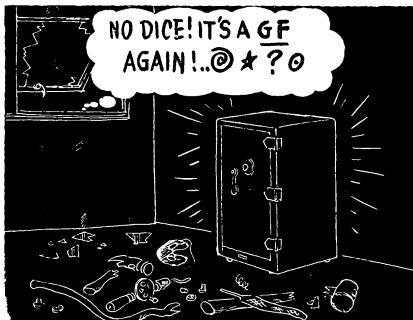
(Sgd.) MANUEL V. MORAN
 " RICARDO PARAS
 " F. R. FERIA
 " CESAR BENGZON
 " SABINO PADILLA
 " PEDRO TUASON
 " MARCELIANO R. MONTEMAYOR
 " ALEX. REYES

Philippine Safety Council

BY FRANK S. TENNY
 Executive Director

BY affixing his signature to Executive Order No. 259, the President of the Philippines created a Fire Prevention Board on August 30, 1949. This marked the successful culmination of a movement led by the Philippine Safety Council in recent weeks. Local citizens, residents, and organizations hailed the move.

The order gives the Philippines a 21-member board of governmental department heads, professional fire-fighting experts, local safety experts, fire insurance executives, and chiefs of large civic organizations. One-half are members of the Government, the overall Chairman being the Secretary of the Interior. At least 16 members are citizens of the Philippines.



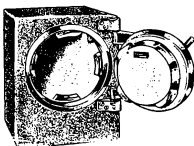
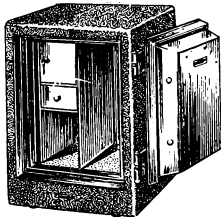
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